



# California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams  
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Ed Aguilar  
Caltrans District 7  
100 South Main Street, MS 16A  
Los Angeles, CA 90012

## **WATER QUALITY CERTIFICATION FOR PROPOSED STATE ROUTE 126 HAUN CREEK BRIDGE MAINTENANCE PROJECT (Corps' Project No. 2007-961-PHT), HAUN CREEK TRIBUTARY OF SANTA CLARA RIVER, VENTURA COUNTY (File No. 07-161)**

Dear Mr. Aguilar:

Regional Board staff has reviewed your request on behalf of Caltrans District 7 for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 19, 2008.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

\_\_\_\_\_  
[Original Signed By]  
Tracy Egoscue  
Executive Officer

\_\_\_\_\_  
September 4, 2008  
Date

**California Environmental Protection Agency**



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

## DISTRIBUTION LIST

Newton Wong  
Caltrans District 7  
100 South Main Street, MS 16A  
Los Angeles, CA 90012

Vicki Clark, Staff Attorney  
Environmental Defense Center  
906 Garden Street  
Santa Barbara, CA 93101

Bill Orme  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Jeff Humble  
California Department of Fish and Game  
Streambed Alteration Team  
4949 View Ridge Avenue  
San Diego, CA 92123

Phuong Trinh  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Aaron Setran (WTR-8)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Diane Noda  
U.S. Fish and Wildlife Service  
2493 Portola Road, Suite B  
Ventura, CA 93003

Peter Brand  
Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Jessie Altstatt  
Santa Barbara Channel Keeper  
714 Bond Street  
Santa Barbara, CA 93103

**ATTACHMENT A**

**Project Information  
File No. 07-161**

1. Applicant: Ed Aguilar  
Caltrans District 7  
100 South Main Street, MS 16A  
Los Angeles, CA 90012  
  
Phone: (213) 897-8492 Fax: (213) 897-2593

2. Applicant's Agent: Newton Wong  
Caltrans District 7  
100 South Main Street, MS 16A  
Los Angeles, CA 90012  
  
Phone: (213) 897-2432 Fax: (213) 897-2593

3. Project Name: State Route 126 Haun Creek Bridge Maintenance

4. Project Location: Santa Paula area, Ventura County

<u>Longitude</u>	<u>Latitude</u>
-119.0378	34.3640
-119.0378	34.3638
-119.0379	34.3636
-119.0379	34.3633
-119.0378	34.3641
-119.0378	34.3642
-119.0381	34.3635
-119.0377	34.3636

5. Type of Project: Sediment removal

6. Project Purpose: The proposed project (Project) will remove sediment within Haun Creek to restore drainage capacity and prevent flooding of the highway and adjacent properties.

## ATTACHMENT A

### Project Information File No. 07-161

7. **Project Description:** The project entails removal of accumulated sediment and vegetation from Haun Creek, an intermittent soft-bottom channel, for a total area of 0.20 acres. The work limits will be limited to 75 feet upstream, 165 feet downstream, including under the State Route 126 Bridge. Equipment will access the channel along the north bank just downstream side of the State Route 126 Bridge. Equipment required includes an excavator and track loader. Dump trucks will stay outside of the channel to receive and transport the excavated material to an existing stockpile site along State Route 126 west of Sespe Creek.
- Work shall occur during the dry season or at times of low flow. Water diversion maybe required during operations to maintain a dry work area. Sediment removal will take approximately 10 days to complete.
8. **Federal Agency/Permit:** U.S. Army Corps of Engineers  
NWP No. 03 (Permit No. 2007-961-PHT)
9. **Other Required Regulatory Approvals:** California Department of Fish and Game  
Streambed Alteration Agreement
10. **California Environmental Quality Act Compliance:** The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Existing Facilities).
11. **Receiving Water:** Haun Creek, a tributary of Santa Clara River (Hydrologic Unit No. 403.21)
12. **Designated Beneficial Uses:** MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, MIGR, WET
13. **Impacted Waters of the United States:** Non-wetland waters (streambed): 0.20 permanent acres (240 linear feet)

## ATTACHMENT A

### Project Information File No. 07-161

14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The project site has received Section 401 Water Quality Certifications in 1993, 1997, and 2001 (File No. 01-045). Routine annual maintenance is required over the next five years to maintain the drainage capacity and to protect the highway and adjacent properties from flooding during the winter season.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices (BMPs), including, but not limited to, the following:
- Excavated material shall be disposed of to an upland location outside of waters of United States.
  - Operations shall be scheduled during the dry season to the greatest extent possible, or at times of low flow during the rainy season.
  - A five-day clear weather forecast will be maintained.
  - Clear water diversion shall be required during times of low flow if performed within the channel.
  - All refueling or maintenance of equipment will be done outside any perimeter of impact that may affect the stream channel, and under no circumstances will be done within the channel.
  - Vegetation along banks will remain.
  - Equipment shall access the work areas using existing routes only.
  - Hay bales and silt fencing may be placed downstream to prevent turbidity.
  - Equipment storage areas shall be outside the banks of the creek.
  - A biologist will approve the work by confirming that there are no bird nesting in the project area if work is done during the bird nesting season from February 1 through September 15.

**ATTACHMENT A**

**Project Information**  
**File No. 07-161**

17. Proposed  
Compensatory  
Mitigation:

None

18. Required  
Compensatory  
Mitigation:

The Applicant shall provide compensatory mitigation for the proposed permanent impacts to **0.20 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum **3:1** area replacement ratio (**0.60 acres**). See *Attachment B Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

## ATTACHMENT B

### Conditions of Certification File No. 07-161

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and polices set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

## **ATTACHMENT B**

### **Conditions of Certification File No. 07-161**

5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

## ATTACHMENT B

### Conditions of Certification File No. 07-161

12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction or maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any construction or maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
15. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
18. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of

## ATTACHMENT B

### Conditions of Certification File No. 07-161

Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

19. All activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
20. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
  - pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids(TSS)
  - Downstream TSS shall be maintained at ambient levels
  - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

21. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a

## ATTACHMENT B

### Conditions of Certification File No. 07-161

threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

22. The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.20 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum **3:1** area replacement ratio (**0.60 acres**). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of 0.60 acres of riparian habitat within waters of the United States/Federal jurisdictional wetlands.
23. If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.60 acres** of vegetated streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands, then funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the Santa Clara River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
  - (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
  - (b) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
  - (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
  - (d) Success criteria shall be established.

**This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States** and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

24. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
25. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:

## ATTACHMENT B

### Conditions of Certification File No. 07-161

- (e) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - (f) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (g) The overall status of project including a detailed schedule of work;
  - (h) Copies of all permits revised as required in Additional Condition 1;
  - (i) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (j) A certified Statement of “no net loss” of wetlands associated with this project;
  - (k) Discussion of any monitoring activities and exotic plant control efforts; and
  - (l) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
26. Prior to any subsequent maintenance activities within the subject drainages, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage’s existing condition; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
27. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.



## ATTACHMENT B

### Conditions of Certification File No. 07-161

an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

34. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
35. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.